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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,121	02/05/2002	Kevin M. Biggie	00045-00530	5714

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/068,121	Applicant(s) BIGGIE ET AL.	
	Examiner Kimberly T. Wood	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nce address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
4a) Of the above claim(s) 2-5, 11, 13-15, 19-26, 29-50 and 52 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 6-10, 12, 16-18, 27, 28, 51 and 53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/02 & 2/10/02</u> | 6) <input type="checkbox"/> Other: _____ |

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This is an office action for serial number 10/068,121, entitled Modular Transformer Lead Support System, filed on February 5, 2002.

Election/Restrictions

Claims 2-5, 11, 13, 15, 19-26, 29-50, and 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention and/or Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 12, 2004. The applicant indicated that claim 14 should read on Species III however, claim 14 includes the limitation of a pair of spacing members which are not included in figures 2 and 7-9. The examiner has withdrawn claim 14 from consideration pursuant to 37 CFR 1.142 (b) as being drawn to a nonelected species.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 12, 16, 27, 28, 51 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Boss 3,484,810. Boss discloses a plurality of standardized members/frame members (21A and 21B and 32 and 31) having a plurality of connection receivers (26, 28B, 28A, and where 34A and 34B are received in members 21A, 21B and 31, 32,), a plurality of first connectors/a plurality of first means for securing standardized members (29A, 29B, 34A, and 34B), a plurality of supports (27)/at least two second means for supporting at least one elongate supported item comprising a strap having a receiving portion (where 36 is received on support) and a pair of legs (27B and the vertical portion between 27B and the horizontal portion that is received in 26), and at least one second connector/at least one third means for securing said at least one second means to one of said standardized members (the ends of 27 that are received within 26), supported item (36). Boss inherently teaches the method of supporting a supported item comprising the steps of selecting a plurality of frame members, forming into a grid shape, connecting together the frame members, engaging connection members.

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Claims 1, 6, 7, 9, 12, 16-18 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kamrud, Sr (Kamrud) 4,676,472. Kamrud discloses a plurality of standardized members (28 and 30) of tubular cross-sectional shape (column 3, lines 31ff) each having a plurality of connection receivers (36, 34) so as to form a frame (by definition frame in Merriam Webster's Collegiate Dictionary means "something composed of parts fitted together and united"), a plurality of first connectors (40 and the washers in exploded view), a plurality of supports (16 and 14) comprising a strap 22 having a receiving portion (where high voltage tubing is received) and a pair of legs (44 or 24 and 26), one supported item (figure 3, high voltage tubing conductors or buses), at least one second connector (46) includes a threaded rod. The applicant is reminded that the supported item has not been positively claimed by the applicant therefore the support system need only be capable of performing the function of supporting the at least one supported item being a electrical conductor or a fluid conductor.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boss 3,484,810. Boss discloses all of the limitations of the claimed invention except for the cellulose pressboard or made by folding a sheet containing a plurality of grooves. It would have been an a matter of engineering design choice to one having ordinary skill in the art at the time of the invention to have modified Boss to have made the standardized members of cellulose pressboard or made by folding a sheet containing a plurality of grooves since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. The applicant does not indicate within the specification that the type of material or how the standardized members are formed as being critical to the

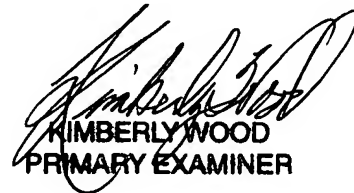
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invention. (See applicant's specification page 14, lines 3ff and page 13, lines 1ff).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3686.

Kimberly Wood
Primary Examiner
June 13, 2004



KIMBERLY WOOD
PRIMARY EXAMINER